

- III. Claims 65-67, drawn to processes for treating human keratin fibers;
- IV. Claims 68-69<sup>1</sup>, drawn to processes for bleaching human keratin fibers;

and

- V. Claims 70-71, drawn to methods for stabilizing the viscosity of an oxidizing oil-in-water emulsion.

Office Action, pages 2-6.

Applicant respectfully traverses the restriction requirement for at least the reasons set forth below. However, to be fully responsive, Applicant elects, with traverse, the subject matter of Group I, claims 1-59, for prosecution on the merits.

For a restriction requirement to be proper, the Examiner must show that a serious burden exists if all claims are examined together. M.P.E.P. § 803. All Groups I-V relate to an oxidizing emulsion. See e.g., claims 1, 60, 65, 68, and 70. Therefore, Applicant respectfully submits that examining all claims of Groups I-V, especially all claims of Groups I-IV, together would not impose a serious burden.

Accordingly, Applicant respectfully requests that the Examiner withdraw the restriction requirement and examine Groups I-V together.

### ***Election of Species Requirement***

In addition, no matter which group of claims is elected, the Examiner also requires election of:

- (1) one of the formulas (I), (II), and (III);

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<sup>1</sup> Applicant reasonably believes that the Examiner has made a typographic error here by including claims 70 and 71 in Group IV, because claims 70 and 71 are not directed to a process for bleaching human keratin fibers. Instead, Applicant reasonably believes that the Examiner intends to include claims 70 and 71 in Group V as shown on page 6 of the Office Action. Therefore, Applicant respectfully requests clarification of the record.

(2) if formula (II) is chosen, a single species thereof; and

(3) if formula (III) is chosen, a single species thereof.

Office Action at pages 7-9.

Applicant respectfully traverse the election requirement and submit that it is improper for the Examiner to require the election of one of the formulas (I), (II), and (III). Indeed, the units of formulas (I), (II), and (III) are **not alternatives**. Instead, the units of formula (I) refer to the "at least one 2-acrylamido-2-methylpropanesulphonic [(AMPS)] acid unit" as recited in claim 1; the units of formula (II) refer to the "at least one hydrophobic unit" as recited in claim 12; the units of formula (III) refer to the "at least one unit" as recited in claim 25. The units of formulae (I)-(III) are all parts forming a whole, i.e., the at least one amphiphilic polymer as recited in claim 1.

However, to be fully responsive, Applicant elects, with traverse, the example of the at least one amphiphilic polymer disclosed in the specification, i.e., copolymer of AMPS(80)/C<sub>16</sub>-C<sub>18</sub> alkyl methacrylate oxyethylenated with 25 mol of ethylene oxide (20), crosslinked with TMPTA, as the single species comprising the units of formulae (I)-(III). Specifically, the elected copolymer comprises an AMPS acid unit of formula (I) and a hydrophobic unit of formula (II) chosen from units of formula (III) (*see, e.g.*, claim 25), wherein in formula (III), R<sub>1</sub> is -CH<sub>3</sub>; R<sub>4</sub> is a hydrophobic hydrocarbon-based radical comprising from 16-18 carbon atoms; and x=25.

Claims 1-12, 14-23, and 25-71 are readable on the elected species, which is also set forth in the example at page 21 of the present specification.

If the Examiner chooses to maintain the restriction/election requirement, Applicants expect the Examiner, if the elected species is found allowable, to continue to

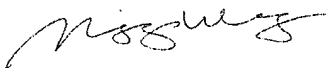
examine the full scope of the elected subject matter to the extent necessary to determine the patentability thereof, i.e., extending the search to a reasonable number of the non-elected species, as is the duty according to M.P.E.P. § 803.02 and 35 U.S.C. § 121.

Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

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